

# Potomac ALMANAC

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## Berliner Looks Ahead

**Heading into an election year, Potomac's first-term County Councilman eyes challenges.**

BY AARON STERN  
THE ALMANAC

**T**he day before the Montgomery County Council held its final hearings before recessing for the month of August, Councilman Roger Berliner (D-Potomac, Chevy Chase, Bethesda) was a man ready for a vacation. Just back from speaking at a weekend conference of the National Association of Counties held in Tennessee, Berliner's voice was raspy as he sat in his office in the late afternoon on Monday, July 27, and he talked of the following day's work like a weary marathon runner approaching his last mile.

Three years into his first term as the first Democrat to represent District 1, Berliner, of Potomac, is the first representative from Potomac to ascend to the vice presidency of the Council since it adopted districted representation in 1990. If tradition holds in the coming year, Berliner will ascend to the presidency of the Council, another first for a District 1 representative.

In an interview with *The Almanac*, Berliner analyzed his first term in public office and saw a lot to like. Three years ago he ran on a platform of finding common ground between disparate points of view, promoting progressive environmental and energy policies, fiscal restraint, and providing strong constituent service. In the 2006 election year of political upheaval when

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many longtime Republican representatives at all levels of government in Maryland and around the country lost out in the political groundswell away from the Republican party, Berliner ousted incumbent Republican Councilman Howie Denis who had served since 2000.

Since then, say those who have worked both with him and against him, Berliner has forged an identity as a willing negotiator, a proponent for environmental and energy legislation and an advocate of controlled growth supported by mass transit. His detractors say he can be wishy-washy and too quick to compromise.

**IN NOVEMBER, 2007**, Berliner successfully opposed a proposed development in an open space area near Bethesda Row and he drafted a letter to Montgomery County Planning Board chairman Royce Hanson that detailed his opposition to what was described as a "Tokyo-style linear park" that included an eight-story hotel. In his letter Berliner included architectural renderings for a less obtrusive design that preserved the open space presently there, and

eventually the developer withdrew their initial plan. It was a win for the community, said Berliner, and one that he points to as one of his major accomplishments in the past three years.

"To me, if I don't do anything else but I've saved that public commons in the heart of Bethesda that will be an accomplishment that I'll be most happy with," said Berliner.

That type of constructive debate is what Berliner — who used to host the Montgomery Community Television show "Search for Common Ground in Montgomery County" — prides himself on.

"He's one of the more civil personalities on the Council," said political observer Adam Pagnucco, who runs the blog Maryland Politics Watch.

An energy lawyer by trade, perhaps Berliner's most significant strides have come in energy and environmental legislation. He successfully introduced a package of legislation — passed on April 22, 2008 (Earth Day) — that requires

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new homes in the county to be built to "Energy Star" energy efficiency ratings, mandates that the county develop and periodically review a climate protection plan, and takes steps to eliminate the use of SUVs in the county vehicle fleet, among other initiatives.

Berliner also introduced the Home Energy Loan Program (HELP) that was passed earlier this year through which residents can

obtain a low interest loan from the county to make home improvements that will reduce their energy costs. The loan is repaid through a voluntary line item on the property tax bill that runs with the property. Berliner estimates that the money saved each year will more than pay for the cost of the loan.

"He seems to have a grander design of how can Montgomery County truly become more energy efficient, reduce greenhouse gases, address global warming," said David

Hauck, head of the Montgomery County chapter of the Sierra Club. "Roger seems to be trying to take it up to the next level."

Councilman Marc Elrich (D-At large) described Berliner's environmental legislation measures as "genuinely progressive" in an email to The Almanac.

Berliner put his "common ground" approach to work two years ago when he brought together members of the development community with members of the community to create the Infill Development

Taskforce en route to producing legislation that placed greater restrictions on the size of homes and additions that can be built in existing neighborhoods. Early in his tenure Berliner helped pass legislation that created a buffer zone along the C&O Canal National Historical Park in which residents can install only "rustic-style" split-rail fences and restricts the types of auxiliary structures they can build near the Canal.

"He's good at bringing people together  
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## Berliner Reviews First Term of Office

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when it is possible to do so," said current Council president Phil Andrews (D-Dist. 3), the council's longest serving member who is now finishing his third term.

On development issues, Berliner tends to be a swing vote, sometimes favoring developers and other times siding with conservation and smart growth advocates, said Pagnucco. For instance, said Pagnucco, Berliner helped craft a more restrictive growth policy for the county in 2007 and last month voted to support a widening project for I-270.

One of Denis' strengths, said Berliner, was his constituent service and in the 2006 campaign Berliner pledged that he would be just as responsive. At public forums he urges the audience to contact his office with their concerns and to take advantage of what he calls "the best staff in the world."

"He's always been a person we can go to listen to our concerns," said Liza Durant, president of the West Montgomery County Citizens Association.

Despite his successes, Berliner has not pleased everyone. He up-



PHOTO BY AARON STERN/THE ALMANAC

**First-term Montgomery County Councilman and Potomac resident Roger Berliner (D-Potomac, Bethesda, Chevy Chase) is in line to become the council's president next year.**

set some of his constituents in Chevy Chase when he backed a light rail option for the proposed Purple Line to run beside the Capital Crescent Trail and he upset other Chevy Chase residents when he voted — along with the rest of the council — to reject the Rollingwood community's petition to establish its own municipality. He has had a lukewarm relationship with the Montgomery County Education Association — the county teachers union — beginning from the time they backed

Denis in the 2006 race and continuing through the budget process for the 2008 fiscal year when he publicly criticized the organization for resisting a cut in a scheduled 8 percent cost of living pay increase for its members.

"There have been times we wish Mr. Berliner had been a stronger voice for our schools and students. His position on next year's school budget will be telling," said Jon A. Gerson, director of community outreach for MCEA.

Opponents of the Intercounty

Connector — including some Potomac-based activists — have been miffed by Berliner's unwillingness to publicly express his opposition to the \$2.5 billion project. Efforts to get the County Council to issue a statement of opposition stalled in part because Berliner did not join the effort, said Hauck. A similar measure was passed unanimously by Prince George's County but Berliner said he didn't back such an initiative because it would be divisive and strictly symbolic.

"It would not be a project I would champion today. But it is what it is," he told The Almanac.

Many of those interviewed for this story said that they like Berliner's stances on energy and environmental issues but that his accomplishments have been of the "low-hanging fruit" variety, that they do not always sense that he is willing to push legislation that would be unpopular with his colleagues and that his desire to find common ground sometimes strays towards appeasement.

Ginny Barnes, the environmental chair of the West Montgomery County Citizens Association said that while Berliner's climate

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# Berliner Eyes Challenges, Second Term

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change initiatives have been commendable that he has failed to push meaningful legislation on smaller scale, more local levels.

"When it comes to forest [conservation] and storm water and those things that really link together [in terms of environmental] sustainability I feel he's been absent and not proactive," Barnes said.

**THE COUNTY COUNCIL** returns from its summer break in mid-September and the coming year will be a busy one. With master plans in the Gaithersburg West and White Flint planning areas scheduled to come before the council — as well as amendments to the county's growth policy — many pivotal decisions will be made that will determine what the county will look like in the future, said Andrews.

"Our land use policies define the quality of our communities," said Berliner.

Add in another difficult budget process — the deficit is already projected at \$370 million and Berliner said he expects that to grow as property tax revenues decline and

cuts to state aid are considered — and 2010 will be "uncommon" in the number of arduous, definitive processes that will take place, Andrews said.

Seated in the center of the council's crescent-shaped table in its main hearing room as those issues are weighed is likely to be Berliner. Since 1990 only once has the council vice president not been voted to the presidency the following year and that was because the vice president lost the election, said Steve Farber, the County Council's staff director.

Berliner said he has heard rumors that he could be bypassed for the head slot but that he feels confident that tradition will not be bucked.

"I have heard those rumors as well and, you know, ultimately if my colleagues believe someone else would serve the body better than that's the will of the majority," Berliner said. "I do think that it would interject a note of destabilization into our body that if this is always up for grabs it would be a destabilizing [force]. I actually believe that I am at the center of our coun-

cil ideologically and otherwise, and therefore I believe [I] would represent our council best in an election year."

Adding to the pressure of the coming year's work on the council is that it will be an election year. As of right now there do not appear to be any clear challengers to Berliner's seat. Two District 1 residents — longtime schools activist Jane de Winter and Becky Wagner, executive director of the non-profit Interfaith Works — are mounting campaigns as at-large candidates but both declined comment as to why they chose to run at-large instead of for the District 1 seat.

Berliner said he looks forward to campaigning with a "promises made, promises kept approach."

"I feel like I demonstrated that in a campaign mode I know how to run a good campaign and I will have a well-funded campaign, [and it] will be an aggressive campaign ... so I combine a track record of having a well-funded campaign with hopefully a service to the community that people will think has been a plus," said Berliner.

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## Berliner

**ON THE COUNCIL:** First-term representative to the Montgomery County Council representing District 1 (Potomac, Chevy Chase, Bethesda); lead member for Energy and Environment: Transportation, Infrastructure, Energy and Environment (T&E).

**PAST EXPERIENCE:** president of Berliner Law, PLLC, specializing in energy law; Montgomery County Democratic Area Coordinator; former host of the Montgomery Community Television show "Search for Common Ground in Montgomery County," a program that brought adversaries on local issues together in order to forge compromises; former legislative director for U.S. Sen. Howard Metzenbaum; former senior policy advisor to U.S. Rep. Henry Waxman; former director of Congressional liaison in the Carter administration

**EDUCATION:** Dartmouth College, McGeorge School of Law

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